

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

GILBERTO VALLE,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/8/13

12 Cr. 847 (PGG)

JURY QUESTIONNAIRE

JUROR NAME: _____
JUROR NUMBER: _____

JUROR NAME: _____

JUROR NUMBER: _____

TO THE PROSPECTIVE JUROR:

The purpose of this questionnaire is to provide information to the judge, the prosecutors, the defense attorneys, and the Defendant to assist them in determining whether you can be a fair and impartial juror in this case. You must give true and complete answers to every question.

Do not discuss the questions or answers with anyone, including your fellow prospective jurors. It is extremely important that your answers be your own answers and not influenced by those around you. During the jury selection process, it is critically important that you not read anything about the case, that you not discuss it with anyone, that you not let anyone talk to you about the case, and that you do not do any research about the case on the Internet or any place else. If you are selected for the jury, I will have more instructions for you later on this topic.

If you wish your answers to remain confidential and that they not go beyond the judge, counsel, and the Defendant – because the answers will subject you to embarrassment – please so indicate at the end of the questionnaire.

Please enter your name and juror number on the front page of the questionnaire and at the top of each page.

INTRODUCTION

NATURE OF CASE:

This is a criminal case. The defendant, Gilberto Valle, is charged with conspiracy to commit kidnapping and with unauthorized access to a federal database. Mr. Valle is presumed innocent, and before he can be found guilty, a jury must conclude that the Government has proven each element of these crimes beyond a reasonable doubt.

The Government will introduce at trial emails and instant messages that Mr. Valle sent over the Internet in which he discusses with others – in great detail – kidnapping, raping, torturing, murdering, and cannibalizing certain women. The Government will contend that Mr. Valle agreed with others to kidnap specific women. As I have said, Mr. Valle is presumed innocent of the charges against him, and it is the Government's burden to prove, beyond a reasonable doubt, that he committed these crimes.

Mr. Valle has no burden to present evidence, but the Defense will argue at trial that Mr. Valle's communications over the Internet were all sexual fantasy and imaginary role-play, that he never acted on these fantasies, and that he never intended to kidnap, rape, torture, murder, or eat any woman.

You should be aware that during the time period relevant to this case, Mr. Valle was serving as a New York City police officer.

JUROR NAME: _____

JUROR NUMBER: _____

Many of Mr. Valle's communications with others took place on sexual fetish websites in which people discuss, view, and post images and videos of, sexual, sexually violent, and sexually deviant conduct, such as necrophilia (the practice of having sex with dead bodies), sexual asphyxiation (the intentional restriction of oxygen to the brain for sexual arousal), genital mutilation, rape fantasies, bondage and various forms of sadomasochism (the giving and/or receiving of pleasure – often sexual – from acts involving the infliction or reception of pain or humiliation). You will likely see images from these websites similar to the images attached as Exhibit A to this questionnaire.

The issue at trial will be whether the Government has proven beyond a reasonable doubt that Mr. Valle agreed with another to kidnap someone, and whether he accessed a certain database without authorization. The trial will not be a referendum on the websites described above or the interests and practices discussed or shown on those websites. The jury will not be asked to address the legality of these websites or the images on these websites.

Nonetheless, it is vitally important that those chosen to serve on this jury not have such strong reactions to these topics and practices that it will be difficult for them to be fair and impartial. In other words, the fact that a juror might disapprove or approve of any of these practices must not interfere with that juror's determination of whether the Government has proven beyond a reasonable doubt that Mr. Valle conspired with another to kidnap someone and/or that he accessed a database without authorization. Accordingly, a number of the questions in this questionnaire seek information about your views concerning these matters, as well as your use of the Internet in general.

This case has received significant press attention. Accordingly, this questionnaire asks whether you have read, seen, or heard anything about this case, and whether you will follow the Court's instruction to decide this case based solely on the evidence that will be presented in court.

It is vitally important that the jury's verdict be based solely on the evidence received in the courtroom, and not on what might have been written or said about Mr. Valle. Nothing that has been said or written about Mr. Valle matters at all at trial. We don't try people in the press in this country. Instead, we rely on people like you to listen carefully to the evidence and the judge's instructions on the law, and come to a verdict based solely on that evidence and that law.

Please print your answers to the following questions in black ink. Where indicated, please check the space for "Yes" or "No" and, as requested, furnish answers, explanations or details in the space provided. If you don't understand any question, please write, "I don't understand." Use the back of the page if necessary to complete your answers.

JUROR NAME: _____

JUROR NUMBER: _____

QUESTIONS

1. Have you read, seen, or heard anything about this case, or about a New Jersey man named Michael Van Hise, in the media or through any other source? ____ Yes ____ No

If yes: What generally have you read, seen or heard and where did you get your information?

2. Based on what you have read, seen, or heard about this case, would you be able to follow the Court's instruction to put that information out of your mind and decide this case based solely on the evidence presented at trial? ____ Yes ____ No

If no, please explain:

3. Is there anything about the nature of the case that would make it difficult for you to be a fair and impartial juror? ____ Yes ____ No

If yes, please explain:

JUROR NAME: _____

JUROR NUMBER: _____

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4. Some of the evidence that will be introduced will include images and testimony involving graphic descriptions of violence, including sexual violence. Would this aspect of this case make it difficult for you to be a fair and impartial juror? ____ Yes ____ No

If yes, please explain:

5. There will be evidence that Mr. Valle accessed websites devoted to deviant sexual behavior, including highly sexualized violent conduct, bondage, and sadomasochism. The imagery on these websites is graphic. Would evidence concerning these websites, or Mr. Valle's accessing such websites, make it difficult for you to be a fair and impartial juror? ____ Yes ____ No

If yes, please explain:

6. There will be evidence that Mr. Valle used the Internet to view pornographic images and that he did so without his wife's knowledge. Would this aspect of this case make it difficult for you to be a fair and impartial juror? ____ Yes ____ No

If yes, please explain:

JUROR NAME: _____

JUROR NUMBER: _____

7. Do you typically spend time on the Internet? If yes, how many hours a day do you typically spend on the Internet, and for what purpose(s) do you commonly use the Internet? Do you engage in online chatting or instant messaging?

8. Are you a member of Facebook or a similar social media website? If yes, what functions do you use on Facebook: e.g., status updates, comments on others' status updates, private messaging, posting of photos?

9. Have you visited any of the following websites: darkfetishnet.com; dolcettgirls.com; yumchat.com; mukiskitchen.com; girlsinabind.com; fetlife.com; sleepysoles.com; sexyamazons.com; adultfriendfinder.com; ruemorgue.com; nicheclips.com; bloodytales.com; sleepygirls.com; clipsforsale.com; marshmanmedia.com; kinkyecash.com; or pkfstudios.com? ____ Yes ____ No

10. Do you request that the Court maintain your answers to this questionnaire as confidential? ____ Yes ____ No

JUROR NAME: _____

JUROR NUMBER: _____

DECLARATION:

I, _____ declare under penalty of perjury that the foregoing answers set
(Print Name)
forth in this Jury Questionnaire are true and correct to the best of my knowledge and belief. I
have not discussed my answers with others, or received assistance in completing the
questionnaire.

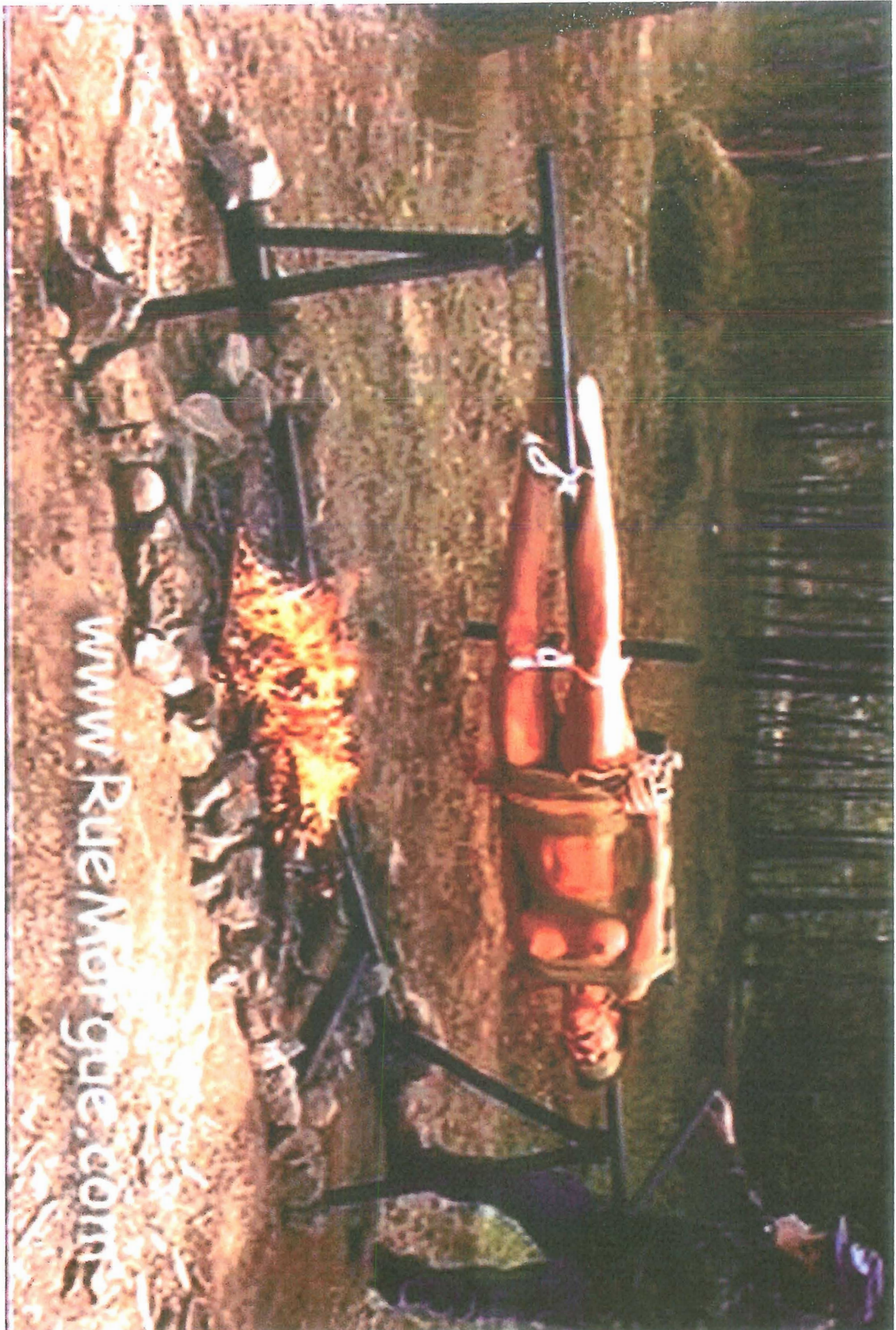
Signed this _____ day of February, 2013

(Signature)

EXHIBIT A



0.272311



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